

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

RICHARD JORDAN and RICKY CHASE

Plaintiffs

**THOMAS EDWIN LODEN, JR.,
ROGER ERIC THORSON, and
ROBERT SIMON, JR.**

Intervenors

vs.

No. 3:15-cv-00295-HTW-LRA

**PELICIA HALL, Commissioner,
Mississippi Department of Corrections, in
her Official Capacity; EARNEST LEE
Superintendent, Mississippi State Penitentiary,
in his Official Capacity; THE MISSISSIPPI
STATE EXECUTIONER, in his Official
Capacity; an UNKNOWN EXECUTIONERS,
in their Official Capacities**

Defendants

DEFENDANTS' SECOND SUPPLEMENTAL PRIVILEGE LOG

Defendants have withheld from their document production in this matter the following documents, or have instead produced redacted copies of these documents, which are privileged, confidential or otherwise immune from discovery:¹

¹ Institutional Security/Section 99-19-51: For reasons of institutional security, including the safety and/or well-being of MDOC employees and/or agents responsible for the procurement, transportation, storage, inventory and control of stocks of lethal injection drugs; the persons or entities supplying lethal injection drugs to MDOC; as well as the State Executioner and members of the Execution Team; the names of all such persons or entities, the lot numbers of the specific drugs included in the inventory, and any other information which might identify a specific individual or entity has been redacted. Disclosure of the unredacted information could subject the affected individuals or entities to annoyance, embarrassment, oppression, harassment, retaliation including potentially endangering the safety and/or well being of such persons or entities, and/or impacting institutional security at MDOC facilities, and/or impacting the ability of the State to obtain drugs necessary for carrying out executions. Further, the identities of these individuals or entities are protected from disclosure by Miss. Code Ann. § 99-19-51. In this privilege log, for purposes of conserving space, hereinafter these grounds for protection/privilege shall simply be referred to by the phrases "Institutional Security" and "Section 99-19-51."



Name of Document	Date	Author(s)/ Recipients	Type of Document	Basis of Privilege or Protection
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001094	6/3/16	Unidentified MDOC Supply Clerk(s)/Administrators	Form with details of inventory of Midazolam Injection at the Mississippi State Penitentiary ("MSP") as of 6/3/16	Institutional Security Section 99-19-51
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001095	5/4/17	Unidentified MDOC Supply Clerk(s)/Administrators	Form with details of inventory of Midazolam Injection at the Mississippi State Penitentiary ("MSP") as of 5/4/17	Institutional Security Section 99-19-51
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001096	5/4/17	Unidentified MDOC Supply Clerk(s)/Administrators	Form with details of inventory of Midazolam Injection at the Mississippi State Penitentiary ("MSP") as of 5/4/17	Institutional Security Section 99-19-51
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001097	5/4/17	Unidentified MDOC Supply Clerk(s)/Administrators	Form with details of inventory of Midazolam Injection at the Mississippi State Penitentiary ("MSP") as of 5/4/17	Institutional Security Section 99-19-51
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001098	6/5/17	Unidentified MDOC Supply Clerk(s)/Administrators	Form with details of inventory of Midazolam Injection at the Mississippi State Penitentiary ("MSP") as of	Institutional Security Section 99-19-51

			6/5/17	
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001099	6/3/16	Unidentified MDOC Supply Clerk(s)/Adminis trators	Form with details of inventory of Vecuronium Bromide for Injection at the Mississippi State Penitentiary ("MSP") as of 6/3/16	Institutional Security Section 99-19-51
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001100	5/4/17	Unidentified MDOC Supply Clerk(s)/Adminis trators	Form with details of inventory of Vecuronium Bromide for Injection at the Mississippi State Penitentiary ("MSP") as of 5/4/17	Institutional Security Section 99-19-51
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001101	6/5/17	Unidentified MDOC Supply Clerk(s)/Adminis trators	Form with details of inventory of Vecuronium Bromide for Injection at the Mississippi State Penitentiary ("MSP") as of 6/5/17	Institutional Security Section 99-19-51
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001102	5/4/17	Unidentified MDOC Supply Clerk(s)/Adminis trators	Form with details of inventory of Rocuronium Bromide for Injection at the Mississippi State Penitentiary ("MSP") as of 5/4/17	Institutional Security Section 99-19-51
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001103	6/5/17	Unidentified MDOC supply clerk/administrat or	Form with details of inventory of Rocuronium Bromide for Injection at the	Institutional Security Section 99-19-51

			Mississippi State Penitentiary ("MSP") as of 6/5/17	
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001104	6/3/16	Unidentified MDOC supply clerk/administrator	Form with details of inventory of Potassium Chloride at the Mississippi State Penitentiary ("MSP") as of 6/3/16	Institutional Security Section 99-19-51
FTC/SUPPLY Inventory Form (redacted) Bates No. MDOC 001105	6/5/17	Unidentified MDOC supply clerk/administrator	Form with details of inventory of Potassium Chloride at the Mississippi State Penitentiary ("MSP") as of 6/5/17	Institutional Security Section 99-19-51
Unit 42 MSP Pharmacy Chemical Room Access Log Bates No. MDOC 001106	5/19/17 through 6/5/17	Unidentified MDOC supply clerk/administrator	Form reflecting access to Pharmacy Chemical Room at the Mississippi State Penitentiary ("MSP") as of 6/5/17	Institutional Security Section 99-19-51
Email: re: status of efforts to obtain drugs Bates No. MDOC 001246	7/6/16	Author: AG1 Recipient: Supplier 1	Confidential communication regarding efforts to obtain execution drugs	Institutional Security Section 99-19-51
Email: re: status of efforts to obtain drugs (with attachment) Bates No. MDOC 001247-001249	7/11/16	Author: AG1 Recipient: Supplier 1	Confidential communication regarding efforts to obtain execution drugs	Institutional Security Section 99-19-51
Email: re: status of efforts to obtain drugs	7/11/16	Author: Supplier 1 Recipient: AG1	Confidential communication regarding efforts	Institutional Security Section 99-19-51


Bates No. MDOC 001250			to obtain execution drugs	
Email: re: status of efforts to obtain drugs Bates No. MDOC 001250	7/11/16	Author: AG1 Recipient: Supplier 1	Confidential communication regarding efforts to obtain execution drugs	Institutional Security Section 99-19-51
Email: re: status of efforts to obtain drugs Bates No. MDOC 001251	7/11/16	Author: Supplier 1 Recipient: AG1	Confidential communication regarding efforts to obtain execution drugs	Institutional Security Section 99-19-51
Email: re: status of efforts to obtain drugs Bates No. MDOC 001251	7/11/16	Author: AG1 Recipient: Supplier 1	Confidential communication regarding efforts to obtain execution drugs	Institutional Security Section 99-19-51
Email: re: status of efforts to obtain drugs Bates No. MDOC 001252	7/28/16	Author: AG1 Recipient: Supplier 1	Confidential communication regarding efforts to obtain execution drugs	Institutional Security Section 99-19-51
Email: re: status of efforts to obtain drugs Bates No. MDOC 001253	8/1/16	Author: Supplier 1 Recipient: AG1	Confidential communication regarding efforts to obtain execution drugs	Institutional Security Section 99-19-51
Email: re: status of efforts to obtain drugs Bates No. MDOC 001253	8/1/16	Author: AG1 Recipient: Supplier 1	Confidential communication regarding efforts to obtain execution drugs	Institutional Security Section 99-19-51
Email: re: status of efforts to obtain drugs Bates No. MDOC 001254	8/8/16	Author: Supplier 1 Recipient: AG1	Confidential communication regarding efforts to obtain execution drugs	Institutional Security Section 99-19-51

Email: re: status of efforts to obtain drugs Bates No. MDOC 001254	11/29/16	Author: AG1 Recipient: Supplier 1	Confidential communication regarding efforts to obtain execution drugs	Institutional Security Section 99-19-51
Email: re: status of efforts to obtain drugs Bates No. MDOC 001255	1/31/17	Author: AG1 Recipient: Supplier 1	Confidential communication regarding efforts to obtain execution drugs	Institutional Security Section 99-19-51
Email: re: status of efforts to obtain drugs Bates No. MDOC 01256	2/21/17	Author: AG1 Recipient: Supplier 1	Confidential communication regarding efforts to obtain execution drugs	Institutional Security Section 99-19-51
Email: re: status of efforts to obtain drugs Bates No. MDOC 001257	4/17/17	Author: AG1 Recipient: Supplier 1	Confidential communication regarding efforts to obtain execution drugs	Institutional Security Section 99-19-51
Email: re: status of efforts to obtain drugs Bates No. MDOC 001258	4/24/17	Author: Supplier 1 Recipient: AG1	Confidential communication regarding efforts to obtain execution drugs	Institutional Security Section 99-19-51
Email: re: status of efforts to obtain drugs Bates No. MDOC 001258	4/25/17	Author: AG1 Recipient: Supplier 1	Confidential communication regarding efforts to obtain execution drugs	Institutional Security Section 99-19-51
Email: re: status of efforts to obtain drugs Bates No. MDOC 001259	4/26/17	Author: AG1 Recipient: Supplier 1	Confidential communication regarding efforts to obtain execution drugs	Institutional Security Section 99-19-51
Email: re: status of efforts to obtain	4/27/17	Author: AG1 Recipient:	Confidential communication	Institutional Security Section 99-19-51

drugs Bates No. MDOC 001260		Supplier 1	regarding efforts to obtain execution drugs	
Email: re: status of efforts to obtain drugs Bates No. MDOC 001261	5/1/17	Author: AG1 Recipient: Supplier 1	Confidential communication regarding efforts to obtain execution drugs	Institutional Security Section 99-19-51
Email: re: status of efforts to obtain drugs (with attachment) Bates No. MDOC 01262, 01264	5/11/17	Author: Supplier 1 Recipient: AG1	Confidential communication regarding efforts to obtain execution drugs	Institutional Security Section 99-19-51
Email: re: status of efforts to obtain drugs Bates No. MDOC 01262	5/12/17	Author: AG1 Recipient: Supplier 1	Confidential communication regarding efforts to obtain execution drugs	Institutional Security Section 99-19-51
Email: re: status of efforts to obtain drugs Bates No. MDOC 01263	5/12/17	Author: Supplier 1 Recipient: AG1	Confidential communication regarding efforts to obtain execution drugs	Institutional Security Section 99-19-51

RESPECTFULLY SUBMITTED, this the 26th day of June, 2017.

By: **JIM HOOD**
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CERTIFICATE OF SERVICE

This is to certify that I, Wilson Minor, Special Assistant Attorney General for the State of Mississippi, sent a copy of the foregoing document via U.S. Mail to the following counsel of record:

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This the 26th day of June, 2017.



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